IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2488 OF 2007

Shri Amarshingh Fatheshingrao Naik & Ors. -Petitioners

Versus

District Deputy Registrar Co-operative Society, Sangli & Anr. -Respondents

Shri Umesh Mankapure for the Petitioners.
Ms Mhaispurkar, A.G.P for the Respondents.

CORAM : ABHAY S.OKA, J.
DATED : JUNE 21, 2007.

P.C.:

1. Heard Advocate for the Petitioners and the learned A.G.P for the State. The Petitioners preferred a statutory Appeal before the Divisional Joint Registrar of Co-operative Societies for challenging an order appointing administrator under the Maharashtra Co-operative Societies Act, 1960. In the said Appeal an Application for stay was preferred by the Petitioners. The Appellate Authority passed an ad-interim order directing the parties to maintain status-quo and also called for the record of the case. When the Appeal appeared before the Appellate Authority on 14th March, 2007, the Petitioners were absent and therefore, the order of status-quo granted earlier was vacated. The order dated 14th March, 2007 has been impugned in this Petition.

2. In this Petition reasons have been assigned for the non appearance of Petitioners before the Appellate Authority. The substantive Appeal challenging the drastic action under section 78 of the said Act of 1960 is pending. Pending the said Appeal, the earlier ad-interim order passed by the Appellate Authority deserves to be continued with a direction to the Appellate Authority to decide the Appeal expeditiously.

3. Hence, Writ Petition is disposed of by passing the following order:

(i) The ad-interim order passed by the Appellate Authority on 17th January, 2007 of directing the parties to maintain status-quo will continue to operate till the final disposal of the proceedings pending before the Divisional Joint Registrar.

(ii) The Appeal/Revision which is pending before the Divisional Joint Registrar will be decided as expeditiously as possible.

(iii) In the event the order in Appeal is adverse to the Petitioners, the ad-interim order will

continue to operate for a period of two weeks from the date of communication of the order to the Petitioners.

(iv) All contentions of the parties in the pending Appeal are expressly kept open.

(v) Parties and the concerned Court to act upon an authenticated copy of this order.

JUDGE